

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jerry Brower and Randall Eric Swanson

Serial No.: 10/728,647 Examiner: Daniel R. Zirker

Filed: December 5, 2003 Group Art Unit: 1771

Confirmation No.: 8426

For: WALL PATCH

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

The owner, Jerry Brower, having a place of business at 6401 NW Lincoln Avenue, Vancouver, WA 98663, assignee of the entire right of the above described U.S. patent application no.10/728,647, filed December 5, 2003 for WALL PATCH, by assignment recorded in Reel/Frame 018397/0905, on October 10, 2006, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior Patent No. 6,607,621 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer; and the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on copending Application No. 10/618,166, filed on July 10, 2003. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent(s) are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

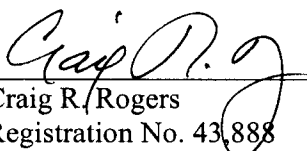
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found

invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record for the instant application.

Attached is the fee prescribed under 37 CFR 1.20(d).



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March 20, 2007
Date

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